

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

J.D.H., et al.,

Plaintiff(s),

vs.

LAS VEGAS METROPOLITAN
 POLICE DEPT., et al.,

Defendant(s).

Case No. 2:13-cv-01300-APG-NJK

**ORDER DENYING MOTION TO
 STAY DISCOVERY WITHOUT
 PREJUDICE**

(Docket No. 25)

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motion to dismiss. *See* Docket 25. The Court hereby **DENIES** the motion to stay without prejudice so that Defendants can better address the applicable standards, discussed below. The Court hereby **ORDERS** any renewed motion to stay be filed no later than November 25, 2013, with any opposition due no later than December 3, 2013, and any reply due no later than December 6, 2013.

The case law in this District is well-established regarding motions to stay discovery pending resolution of a motion to dismiss. The briefing should focus on the standards applied in this District, which the Court recently summarized as follows:

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Instead, a party seeking to stay discovery carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). In deciding whether to grant a stay of discovery, the Court is guided by the objectives of Rule 1 to ensure a "just, speedy, and inexpensive determination of every action." *Tradebay*, 278 F.R.D. at 602-03. Courts in this District have formulated three requirements in determining whether to stay discovery pending resolution of a

1 potentially dispositive motion; motions to stay discovery may be granted when: (1) the
2 pending motion is potentially dispositive; (2) the potentially dispositive motion can be
3 decided without additional discovery; and (3) the Court has taken a "preliminary peek"
at the merits of the potentially dispositive motion and is convinced that the plaintiff will
be unable to state a claim for relief. *See id.*

4 *See Kor Media Group, LLC v. Green*, ___ F.R.D. ___, 2013 WL 5838679, *1 (D. Nev. Oct. 29, 2013).

5 IT IS SO ORDERED.

6 DATED: November 19, 2013

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NANCY J. KOPPE
United States Magistrate Judge